IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Babu K. Chandrasekhar, Shaofei Chen, Timothy W. Cox, Steven A. Grigsby		
Assignee:	Dell Products L.P.		
Title:	Cache System in Factory Server for Software Dissemination		
Serial No.:	10/730,435	Filed:	December 8, 2003
Examiner:	Satish Rampuria	Group Art Unit:	2191
Docket No.:	DC-05370	Customer No.:	33438

January 26, 2009

Filed Electronically

APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on November 24, 2008 and the Notice of Panel Decision from Pre-Appeal Brief Review dated December 15, 2008. The fee for this Appeal Brief is being paid electronically via the USPTO EFS. The Board is authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account No. 502264.

I. REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Dell Products L.P., as named in the caption above and as evidenced by the assignment set forth at Reel 014778, Frame 0239.

II. RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1-20 are pending in the application. Claims 1-20 stand rejected. The rejection of claims 1-20 is appealed. Appendix "A" contains the full set of pending claims.

IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

There have been no amendments filed subsequent to the Final Office Action dated August 27, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

Independent claim 1 recites limitations relating to a system for automated storing of software on an information handling system. The system comprises: a distribution server configured to receive a software application file (Specification, page 9, lines 3-15; Figure 6); a repack and script regeneration server coupled to said distribution server, said repack and script regeneration server (Specification, page 9, line 16- page 10, line 20; Figure 6) configured to: disassemble said software application file into a plurality of individual program files (Specification, page 9, line 16- page 10, line 20; Figure 6); generate an index of said individual program files (Specification, page 9, line 16- page 10, line 20; Figure 6); identify and remove redundant program files (Specification, page 9, line 16- page 10, line 20; Figure 6); generate a composite program file library containing a plurality of said program files; and generate scripts for automatically controlling the transfer of said program files to an information handling system (Specification, page 9, line 16- page 10, line 20; Figure 6); and a download server configured to store said program files on a storage medium on a target information handling system (Specification, page 9, line 16- page 10, line 20; Figure 6).

Independent claim 8 recites limitations for a method for automated installation of software to an information handling system. The method comprises: receiving a software application file (Specification, page 9, lines 3-15; Figure 6) (Specification, page 9, line 16- page 10, line 20; Figure 6); disassembling said software application file into a plurality of individual program files; generating an index of said individual program files (Specification, page 9, line 16- page 10, line 20; Figure 6); identifying and removing redundant program files (Specification, page 9, line 16- page 10, line 20; Figure 6); generating a composite program file library containing a plurality of said program files (Specification, page 9, line 16- page 10, line 20; Figure 6); and transferring said program files to a target information handling system (Specification, page 9, line 16- page 10, line 20; Figure 6).

Independent claim 15 recites limitations for an information handling system. The information handling system comprises: a data processor (Specification page 12, lines 12-23; Figure 2); data storage (Specification page 12, lines 12-23; Figure 2) having a software file stored thereon, said software file being transferred to said data storage by an automated software installation system comprising: a distribution server configured to receive a software application file (Specification, page 9, lines 3-15; Figure 6); a repack and script regeneration server coupled to said distribution server (Specification, page 9, line 16- page 10, line 20; Figure 6), said repack and script regeneration server configured to: disassemble said software application file into a plurality of individual program files (Specification, page 9, line 16- page 10, line 20; Figure 6); generate an index of said individual program files (Specification, page 9, line 16- page 10, line 20; Figure 6); identify and remove redundant program files (Specification, page 9, line 16- page 10, line 20; Figure 6); generate a composite program file library containing a plurality of said program files (Specification, page 9, line 16- page 10, line 20; Figure 6); generate scripts for automatically controlling the transfer of said program files to an information handling system (Specification, page 9, line 16- page 10, line 20; Figure 6); and a download server configured to transfer said program files to a target information handling system (Specification, page 9, line 16- page 10, line 20; Figure 6).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

In the Final Office Action dated August 27, 2008, the Examiner rejected claims 1-3, 5-7, 8-10, 12-17, 19, and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,075,943 to Feinman ("Feinman") in view of U.S. Publication No. 2004/0019888 to Jain et al. ("Jain"). Claims 4, 11, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Feinman in view of Jain, and further in view of U.S. Patent No. 6,088,803 to Tso et al. ("Tso"). Claims 1, 2, 4, 5-8, 11-15, and 18-20 were provisionally rejected as unpatentable over claims 1, 4, 5-8, 11-15, and 18-20 of co-pending Application No. 10/657,989 ("'989 Application").

VII. ARGUMENTS

In various embodiments of Applicants' invention, as claimed in independent claims 1, 8, and 15, a distribution server is configured to receive a software application file. A repack and script regeneration server is coupled to the distribution server, and is configured to: disassemble the software application file into a plurality of individual program files; generate an index of the individual program files; identify and remove redundant program files; generate a composite program file library containing a plurality of the program files; and generate scripts for automatically controlling the transfer of the program files to an information handling system. A download server is configured to store the program files on a storage medium on a target information handling system.

In the Office Action dated February 25, 2008, the Examiner rejected independent claims 1, 8, and 15 under 35 U.S.C. §103(a) as being unpatentable over Feinman in view of Jain. As discussed above, each of the aforementioned independent claims recite a system, method, or information handling system that comprises a repack and script regeneration server that disassembles a software application into a plurality of individual program files, generates an index of the individual program files and identifies and removes redundant program files. Examiner acknowledges that Feinman fails to disclose a system and method that discloses the identification and removal of redundant program files. Examiner alleged, however, that this feature is disclosed by Jain. For this proposition, Examiner cited paragraph [008] of Jain, which

states "...any links *pointing to redundant files* are removed from the primary directory. (emphasis added)

In response, Applicants argued that it is abundantly clear that Jain does not teach the removal of redundant files; rather, Jain only teaches the removal of links pointing to redundant files. All of the program files in the Jain reference are maintained. Thus, the combination of references proposed by Examiner fails to teach all of the limitations recited in independent claims 1, 8 and 15 of Applicants' patent application. Specifically, the proposed combination fails to teach the removal of redundant files as recited in independent claims 1, 8, and 15 of Applicants' patent application.

In the Final Office Action dated August 28, 2008, Examiner responds to the previous arguments submitted by Applicants by maintaining the rejection of independent claims 1, 8 and 15 under 35 U.S.C. §103(a) as being unpatentable Feinman in view of Jain. Examiner cites paragraphs [0025], [0034], [0037] and [0038] for the proposition that Jain provides the teaching of "identifying, and remove [sic] redundant program files" that is not taught by Feinman. (OA, August 27, 2008, page 2) (emphasis added).

Applicants respectfully submit that Examiner has mischaracterized the cited portion of Jain and has omitted the term "entries" in his citation. Paragraph [0034] of Jain states that the generator system [paragraph 0025] removes duplicate file entries, not the duplicate files. The significance of this can be understood by referring to the description of the operation of the generator 220 as describes in paragraph [0020] of Jain. For convenience, relevant annotated portions of paragraph [0020] of Jain are set forth below:

> As shown in FIG. 3, …., The generating program 220 creates a map that points to each of the necessary data sources 212…. The generating program 220 will look for any redundancies and remove pointers [in the map] to redundant files. …. What is left is virtual map 226 to all of the data files 228 necessary to perform an install of the software….

From the description above, it is clear that Jain does not teach the removal of redundant files, but, rather, teaches ***the omission*** of file ***entries*** from a "*virtual map*" to data files that are to be installed. The combination of Feinman and Jain, therefore, fails to provide a teaching of all of the limitations recited in independent claims 1, 8 and 15 of Applicants' patent application.

Applicants submit, therefore, that the combination of Feinman and Jain fails to teach all of the limitations recited in independent claims 1, 8, and 15, and, therefore, the rejection of these claims under 35 U.S.C. §103(a) should be removed and these claims should be passed to allowance. Applicants further submit that all pending dependent claims are allowable as being dependent on allowable base claims.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix "A."

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None.

X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

XI. CONCLUSION

In view of the above arguments, it is respectfully urged that the rejection of the claims should not be sustained.

CERTIFICATE OF TRANSMISSION

I hereby certify that on January 26, 2009, this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

/Gary W. Hamilton/

Respectfully submitted,

/Gary W. Hamilton/

Gary W. Hamilton
Attorney for Applicant(s)
Reg. No. 31,834

APPENDIX A - PENDING CLAIMS

1. (Previously Presented) A system for automated storing of software on an information handling system, comprising:

a distribution server configured to receive a software application file;

a repack and script regeneration server coupled to said distribution server, said repack and script regeneration server configured to:

disassemble said software application file into a plurality of individual program files;

generate an index of said individual program files;

identify and remove redundant program files;

generate a composite program file library containing a plurality of said program files; and

generate scripts for automatically controlling the transfer of said program files to an information handling system; and

a download server configured to store said program files on a storage medium on a target information handling system.

2. (Previously Presented) The system of claim 1, further comprising a script validation server coupled to said repack and script regeneration server and said distribution server, said script validation server configured to generate commands to automatically control the downloading of said program files to a target information handling system.

3. (Original) The system of claim 1, wherein said download server comprises a software image cache, said composite program file library being stored in said software image cache.

4. (Previously Presented) The system of claim 1, wherein said distribution server is configured to scan said program files for viruses.

5. (Previously Presented) The system of claim 1, further comprising a test control server configured to confirm the download of said program files to said target information handling system and to verify proper operation of said program files on said target information handling system.

6. (Previously Presented) The system of claim 1, wherein said distribution server is configured to notify a manager regarding the status of the program files within the software distribution system.

7. (Previously Presented) The system of claim 1, further comprising an archive server, wherein said repack and script regeneration server is configured to transfer copies of composite program file library to said archive server for storage thereon.

8. (Previously Presented) A method for automated installation of software to an information handling system, comprising:

receiving a software application file;

disassembling said software application file into a plurality of individual program files;

generating an index of said individual program files;

identifying and removing redundant program files;

generating a composite program file library containing a plurality of said program files; and

transferring said program files to a target information handling system.

9. (Original) The method of claim 8, further comprising the step of generating commands to automatically control the downloading of said program files to a target information handling system.

10. (Original) The method of claim 9, further comprising the step of storing said composite program file library in a software image cache.

11. (Previously Presented) The method of claim 8, further comprising the step of scanning said software application file for viruses.

12. (Previously Presented) The method of claim 8, further comprising the steps of confirming the download of said software application file to said target information handling system and verifying proper operation of said software application file on said target information handling system.

13. (Previously Presented) The method of claim 8, further comprising the step of notifying a manager regarding the status of the software application file within the software distribution system.

14. (Original) The method of claim 8, further comprising the step of transferring copies of said composite program file library to an archive server for storage thereon.

15. (Previously Presented) An information handling system, comprising:

a data processor;

data storage having a software file stored thereon, said software file being transferred to said data storage by an automated software installation system comprising:

a distribution server configured to receive a software application file;

a repack and script regeneration server coupled to said distribution server, said repack and script regeneration server configured to:

disassemble said software application file into a plurality of individual program files;

generate an index of said individual program files;

identify and remove redundant program files;

generate a composite program file library containing a plurality of said program files;

generate scripts for automatically controlling the transfer of said program files to an information handling system; and

a download server configured to transfer said program files to a target information handling system.

16. (Previously Presented) The information handling system of claim 15, further comprising a script validation server coupled to said repack and script regeneration server and said distribution server, said script validation server configured to generate commands to automatically control the downloading of said program files to a target information handling system.

17. (Original) The information handling system of claim 16, wherein said download server comprises a software image cache, said composite program file library being stored in said software image cache.

18. (Previously Presented) The information handling system of claim 15, wherein said distribution server is configured to scan said program files for viruses.

19. (Previously Presented) The information handling system of claim 15, further comprising a test control server configured to confirm the download of said software file to said information handling system and to verify proper operation of said program files on said target information handling system.

20. (Previously Presented) The information handling system of claim 15, wherein said distribution server notifies a manager regarding the status of the software file within the software distribution system.

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.